



**STATE PROCUREMENT OFFICE**  
**NOTICE OF AMENDMENT TO EXEMPTION FROM CHAPTER**  
**103D, HRS, CONTRACT**

STATE PROCUREMENT OFFICE  
 STATE OF HAWAII

1. TO: Chief Procurement Officer
2. FROM: Department of Commerce & Consumer Affairs/CATV  
 Department/Division/Agency
3. Name of Contractor: See attached
4. P.E. Reference No. 06-064-1

5. Description of goods, services, or construction:  
 Cable television public, educational, and governmental ("PEG") access services

6. Scope of work for the contract is revised as follows:  
 Contract periods are extended for an additional six (6) month period from July 1, 2011 to December 31, 2011

Original Contract Price: \$ See attached      Amended Contract Price: \$ See attached

7. Reason: This / These amendment(s) are necessary because:  
 See attached

8. Direct questions to: Laureen Wong      Phone: 586-2620

Agency shall ensure adherence to applicable administrative and statutory requirements.

9. Pursuant to § 103D-102, HRS, and § 3-120-5, HAR, I certify that the information provided above is, to the best of my knowledge, true and correct

Laureen Wong  
 Department Head

6/3/11  
 Date

10. Date Posted: 6/9/2011

11. Submit written objections to this notice of intent to amend a procurement exemption contract within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer  
 State Procurement Office  
 P.O. Box 119  
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's Comments:

SEE CPO COMMENTS ATTACHED AS PAGE 3.

12. ☐ APPROVED ☐ DISAPPROVED

NAR  
 Chief Procurement Officer

6/22/2011  
 Date

13. P.E. No. 06-064-113

Notice of Amendment to Exemption  
from Chapter 103D, HRS, Contract

P.E. Reference No. 06-064-1

3. Name of Contractor:

The Department of Commerce and Consumer Affairs ("DCCA") has contracts with the following PEG access organizations for the provision of PEG access services in the State:

- a. Olelo Community Television ("Olelo") on Oahu;
- b. Akaku: Maui Community Television ("Akaku") on Maui;
- c. Hoike: Kauai Community Television ("Hoike") on Kauai; and
- d. Na Leo O Hawaii ("Na Leo") on Hawaii.

6. Original Contract Price Received in 2010	Anticipated payments for 6 months
a. Olelo -- \$4,604,495	\$2,753,766
b. Akaku -- 1,162,576	669,200
c. Hoike -- 522,726	305,412
d. Na Leo -- 1,052,125	593,519

7. Reason: This/These amendment(s) are necessary because:

DCCA's current contracts with the PEG access organizations listed above were exempted from the State Procurement Code (the "Code") until June 30, 2011 (or until a contract was executed, whichever was sooner) by Notice of Amendment to Exemption from Chapter 103D, HRS, Contract for P.E. Reference No. 06-064-1, approved by the SPO on March 24, 2011.

On April 27, 2011, Act 19 was signed into law exempting contracts for PEG access services from the Code effective July 1, 2011 to June 30, 2014. Specifically, Act 19 authorizes the DCCA Director to designate access organizations to oversee the development, operation, supervision, management, production and broadcasting of programs of PEG access facilities, which designation is exempt from chapter 103D, Hawaii Revised Statutes.

In light of Act 19, on June 2, 2011, the DCCA Director requested that the 2010 RFP issued through the State Procurement Office for PEG access services be cancelled since as of July 1, 2011, the DCCA Director will be designating access organizations. On June 3, 2011, SPO canceled 2010 RFP. Given the statutory requirements that must be followed for such designations, DCCA will be unable to complete the designations by June 30, 2011.

A six-month extension to the exemption previously approved by SPO on March 24, 2011 for the current access organization contracts will allow the continued provision of PEG access services to cable television subscribers while DCCA takes the actions required to designate access organizations pursuant to Act 19.

**CPO COMMENTS:**

Procurement Exemption No. PE 06-064-J/B and its prior several amendments were approved on the basis that contract(s) to operate, maintain and manage public, educational, and governmental (PEG) access channels, funds, facilities, and equipment which being subject to the requirements of HRS Chapter 103D, Hawaii Public Procurement Code (Code), would be procured pursuant to the Code. Subsequently the Department of Commerce and Consumer Affairs (DCCA) requested for the State Procurement Office (SPO) to issue on their behalf a competitive solicitation resulting in Request for Proposals No. 10-007-SW (RFP 10-007-SW) to procure PEG access services.

By attached letter dated June 2, 2011, the DCCA decided to cancel RFP 10-007-SW (RFP) due to “the recent enactment of Act 19 (Session 2011) which exempts DCCA’s PEG access services contracts from the State’s Procurement Code (“Code”) effective July 1, 2011, . . . ”.

On June 3, 2011 the SPO on behalf of DCCA cancelled the RFP.

In the same letter dated June 2, 2011, DCCA has decided to obtain PEG access services through ACT 19, SLH 2011. PEG access services are no longer subject to the Code and SPO has no jurisdiction.

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STATE PROCUREMENT OFFICE  
STATE OF HAWAII  
NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
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www.hawaii.gov/dcaa

KEALI'I S. LOPEZ  
DIRECTOR  
EVERETT S. KANESHIGE  
DEPUTY DIRECTOR

June 2, 2011

Mr. Aaron Fujioka  
Administrator  
State Procurement Office  
1151 Punchbowl Street  
Honolulu, HI 96813

Dear Mr. Fujioka:

Re: Request for Proposals (RFP-10-007-SW) to Operate, Maintain and Manage Public, Educational, and Governmental (PEG) Access Channels, Funds, Facilities, and Equipment

In light of the recent enactment of Act 19 (Session 2011) which exempts DCCA's PEG access services contracts from the State's Procurement Code ("Code") effective July 1, 2011, I am hereby requesting that RFP-10-007-SW be canceled.

The Department of Commerce and Consumer Affairs ("DCCA") would like to thank you and your staff for assisting DCCA with the PEG RFP procurement process during the past six (6) years. DCCA sincerely appreciates the tremendous effort, cooperation, professional courtesy, and patience the SPO and its staff provided us while we attempted to comply with the Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Keali'i S. Lopez".

Keali'i S. Lopez  
Director of the Department of Commerce  
and Consumer Affairs

c: Glen Chock, CATV  
Rodney J. Tam, Deputy  
Attorney General